CLAIM AMENDMENTS

1-9. (cancelled)

10. (currently amended) A method for assigning weights to a group of proxies, wherein a control node is coupled to the group of proxies and the control node maintains a threshold value, the method comprising the steps of:

sending, from the control node, a message to each of the proxies;

receiving a reply from each of the proxies, wherein each reply is in response to the respective message sent to the proxies;

determining a response time for each of the messages sent to each of the proxies;

assigning a weight to each of the proxies based upon the response time of the message sent to the proxies;

receiving a new call;

determining a call volume;

if the call volume is below the threshold ~~low~~ value, assigning the new call to a first proxy of the group of proxies based on a round robin protocol; and

if the call volume is above the threshold value, assigning the new call to a second proxy of the group of proxies based upon the weights assigned to each proxy.

11-12. (cancelled)

13. (previously presented) A system for load balancing, the system comprising:

a plurality of proxies, wherein the proxies implement the SIP protocol; and

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a control node coupled to the plurality of proxies, the control node receiving a new call from a user on a network, the control node including a threshold call load value, the control node including a table of weights, each of the weights associated with one of the plurality of proxies, the weights determined in part by a delay time between the control node and the proxies, if the control node determines that call volume is below the threshold call load value, then distributing the new call to a first proxy of the plurality of proxies in a round robin fashion, if the control node determines that the call volume is above the threshold call load value then distributing the new call to a second proxy of the plurality of proxies that has the lowest weight.

14-15. (cancelled)

16. (previously presented) The system of claim 13 wherein the control node receives messages from each respective proxy of the plurality of proxies, each message indicating the loading of the respective proxy, and wherein the weights for the respective proxy is also based on the loading of the respective proxy.

17-25. (cancelled)

26. (previously presented) A method, performed by a control node, for the control node to distribute load to a first and second proxy, wherein the control node includes a threshold value, the method comprising:

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transmitting a first message to the first proxy, receiving a first reply from the first proxy, wherein the first reply is in response to the first message, and determining a first delay time between the transmitting of the first message and the receiving of the first reply;

transmitting a second message to the second proxy, receiving a second reply from the second proxy, wherein the second reply is in response to the second message, and determining a second delay time between the transmitting of the second message and the receiving of the second reply;

assigning weights to the first proxy and the second proxy based on the first delay time and the second delay time, respectively;

receiving incoming calls;

if a current call volume is below the threshold value, assigning the incoming calls to the first proxy and the second proxy based on a round robin protocol; and

if the current call volume is above the threshold value, assigning the incoming calls to the first proxy and the second proxy based on their respective weights.

27. (previously presented) The method of claim 26, wherein the first message and the second message are INVITE messages.

28. (currently amended) The method of claim 27, wherein the first message and the second message are [[bad]] <u>invalid</u> INVITE messages, and wherein the first reply and the second reply are REJECT messages <u>that result from the invalid INVITE messages</u>.

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29. (currently amended) The method of claim 26, wherein the control node assigns weights to the first proxy and the second proxy also based on a pre-weighting of the first proxy and the second proxy that assigns a handicap to each of the first proxy and the second proxy to account for processing capabilities of the first proxy and the second proxy.

30. (currently amended) The method of claim 26, further comprising:

querying a first process on the first proxy; and

querying a second process on the second proxy, wherein the control node assigns weights to the first proxy and the second proxy also based on information gathered from querying the first proxy and the second proxy.

31-34. (cancelled)

35. (new) The method of claim 10, wherein the messages sent to each of the proxies are INVITE messages.

36. (new) The method of claim 35, wherein the messages sent to each of the proxies are invalid INVITE messages, and wherein the replies received from each of the proxies are REJECT messages that result from the invalid INVITE messages.

37. (new) The method of claim 10, wherein assigning weights to each of the proxies is also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies.

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38. (new) The system of claim 13, wherein the delay times between the control node and each respective proxy is measured by the control node sending an INVITE message to each respective proxy.

39. (new) The method of claim 38, wherein the INVITE messages are invalid INVITE messages, and wherein the delay times between the control node and each respective proxy is also measured by the control node receiving a REJECT message from each respective proxy, wherein the REJECT messages result from the invalid INVITE messages.

40. (new) The method of claim 13, wherein the control node associates weights with the proxies also based on a pre-weighting of the proxies that assigns a handicap to each respective proxy to account for processing capabilities of the respective proxies.

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